



**ADMINISTRATIVE LAW**  
**SUPPLEMENTAL MATERIALS**

**VOLUME I**

**COLLEEN FLOOD**

**FACULTY OF LAW**  
**UNIVERSITY OF TORONTO**  
**2005**

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FACULTY OF LAW  
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**ADMINISTRATIVE LAW**  
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**VOLUME I**

**COLLEEN FLOOD**

**FACULTY OF LAW**  
**UNIVERSITY OF TORONTO**  
**2005**

September-December 2005

8.45 am – 10.35 am

Tuesday/Thursday

**Professor Colleen M. Flood**

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Office hours: Mondays 3-5 p.m. or by appointment

## **ADMINISTRATIVE LAW [LAW 202H1F]**

### **SYLLABUS**

#### **Materials:**

- David J. Mullan, *Administrative Law* (Toronto: Irwin, 2001) (available in the bookstore).
- Colleen M. Flood, *Administrative Law, Fall 2005, Supplemental Materials* (Vol. I, II and III)
- Additional materials to be distributed via email and in class

#### **Additional Reading**

- Sara Blake, *Administrative Law in Canada*, 3<sup>rd</sup> ed. (Markham: Butterworths, 2001)
- David J.M. Brown and John M. Evans, *Judicial Review of Administrative Action in Canada* (2 volumes) (Toronto: Canvasback, 1998) (a loose-leaf service)
- René Dussault and Louis Borgeat (Breen, tr.), *Administrative Law - A Treatise* (5 volumes), 2<sup>nd</sup> ed. (Toronto: Carswell, 1985-90).
- David Phillip Jones and Anne S. de Villars, *Principles of Administrative Law*, 3<sup>rd</sup> ed. (Toronto: Carswell, 1999).
- Robert W. Macaulay, Q.C. and J.L.H. Sprague, *Practice and Procedure Before Administrative Tribunals* (Toronto: Carswell, 1988- ) (a loose leaf service).

#### **Evaluation:**

- Exam, open-book, 100% final **OR**
- Three written (15 pages each) assignments (designed to survey the principal elements of the course) due the same day as the examination (December 14<sup>th</sup>, a.m.)

#### **Students Living with Disabilities:**

Students with permanent or temporary disabilities who would like to discuss classroom or evaluation accommodations are asked to come and see me as soon as possible. You can meet me after class or privately during office hours.

#### **Readings**

Students are expected to have read all assigned readings, even if not specifically covered in class. The assigned reading MAY be changed to match the pace of the class and to enable closer focus on particular points.

#### **Make-up Class**

A make-up class will be held on Friday, October 14<sup>th</sup> due to the number of classes that have to be cancelled because of holidays falling either on a Tuesday or a Thursday.

**ADMINISTRATIVE LAW**  
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**INTRODUCTION: Baker**

**Tuesday, September 6th**

The Reach of Administrative Law ..... Chp. 1, Mullins, Irwin  
Introduction to Administrative Law ..... Supp. Vol. 1 pp 1-18

**Thursday, September 8<sup>th</sup>**

Baker v. Canada (Minister of Citizenship and Immigration) ..... Supp. Vol 1 pp 19-43

**PART I: Procedural Fairness**

**Tuesday, September 13<sup>th</sup> & Thursday, September 15<sup>th</sup>**

Introduction ..... Supp. Vol 1 pp 44-47

**I. The Threshold (Entitlement to Procedural Rights)**

**A. The Traditional Doctrine**

Cooper v. Board of Works for Wandsworth Dist. .... Supp. Vol 1 pp 44-47  
Nicholson v. Haldimand-Norfold ..... Supp. Vol 1 pp 48-50  
Elaboration of New Doctrine... ..... Supp. Vol 1 pp 51-52

**B. The Threshold Today**

The Common Law 1) The Threshold ..... Mullins, Irwin, pp 156-170  
Board of Education v. Knight... ..... Supp. Vol 1 pp 53-60

**C. Exceptions: Legislative and Policy**

A.G. Canada v. Inuit Tapirisat ..... Supp. Vol 1 pp 61-64  
Homex Realty and Development Co. v. Village of Wyoming ..... Supp. Vol 1 pp 65-66  
Wells v. Newfoundland ..... Supp. Vol 1 pp 67-81  
G. Cartier, "Procedural Fairness in Legislative Function" ..... Supp. Vol 1 pp 82-84  
D. Mullan, "The Role of the Judiciary in the Review of Administrative Policy Decisions: Issues of  
Legality" ..... Supp. Vol 1 pp 85-102  
Canadian Assoc. of Regulated Importers v. Canada (A.G.) ..... Supp. Vol 1 pp 103-105

**D. Exceptions: Interest or Benefit?**

Note ..... Supp. Vol 1 pp 105-106  
Re Webb and Ontario Housing Corp ..... Supp. Vol 1 pp 106 - 108  
Note ..... Supp. Vol 1 pp 108

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E. Preliminary or Non-Binding Decision-Making

Non-dispositive decisions..... Supp. Vol 1 pp 111 - 112

Re Abel and Penetanguishene Mental Health Centre.....Supp. Vol 1 pp 112 - 115

**Tuesday, September 20<sup>th</sup>**

F. Further Exceptions: Legitimate Expectation

The Reach of Administrative Law ..... Chp. 9., Mullins, Irwin

Mount Sinai Hospital Center v. Quebec (Minister of Health and Social Services)... Supp. Vol 1 pp 116 -120

R. v. North and East Devon Health Authority, ex part Coughlan... Supp. Vol 1 pp 120 - 129

**Thursday, September 22<sup>nd</sup> and Tuesday, September 27<sup>th</sup>**

G. Constitutional Dimensions

The Reach of Administrative Law. .... Chp. 10., Mullins, Irwin

Authorson v. Canada (Attorney General)..... Supp. Vol 1 pp 130 - 141

Singh v. Minister of Employment and Immigration..... Supp. Vol 1 pp 142 - 149

Notes (re G (J)) ..... Supp. Vol 1 pp 150 - 153

Blencoe v. British Columbia (Human Rights Commission) (1998). .... Supp. Vol 1 pp 154 - 191

Chaoulli v. Quebec. .... Supp. Vol 1 pp 192 - 205

**Thursday, September 29<sup>th</sup>**

**II. Choice of Procedures**

A. Introduction

The Content ..... Mullins, Irwin, pp. 171-186

Baker v. Canada (Minister of Citizenship and Immigration).....Supp. Vol 1 pp 19 - 43

Suresh v. Canada (Minister of Citizenship and Immigration).....Supp. Vol 1 pp 206 - 237

Ahani v. Canada (Minister of Citizenship & Immigration)..... Supp. Vol 1 pp 238 - 244

B. General Statutes About Procedures

Statutory Procedural Codes..... Chapter 11, Mullins, Irwin

S.P.P.A.....Supp. Vol 1 pp 245 - 272

J. Maciura & R. Steinecke, *The Annotated Statutory Powers and Procedures*

Act).....Supp. Vol 1 pp 273 - 280

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**Note there is no class on Tuesday Oct 4<sup>th</sup> (Rosh Hashanah) or on Thursday October 6<sup>th</sup> (Student Off-Campus Summer Job Interviews)**

**Tuesday, October 11<sup>th</sup>**

**C.     Specific Procedures**

**1.     Pre-Hearing issues**

(a) Notice ..... Supp. Vol 1 pp 281 - 284

(b) Discovery ..... No assigned readings

(c) Delay

Blencoe v. British Columbia (Human Rights Commission) ... Supp. Vol 1 pp 154 – 158, 173 - 191

**2.     The Hearing**

(a) Oral Hearings

The Nature of Hearings..... Mullins, Irwin, pp. 171-186

Masters v. Ontario Notice. .... Supp. Vol 1 pp 285 - 286

Kahn v. University of Ottawa.. .... Supp. Vol 1 pp 287 - 314

(b) Right to Counsel

Representation ..... Mullins, Irwin, pp 262 - 265

New Brunswick (Minister of Health and Community Services) v. G. (J.)... Supp. Vol 1 pp 315 - 334

(c) Disclosure

Disclosure ..... Mullins, Irwin, pp. 238-244

Pritchard v. Ontario (Human Rights Commission) . .... Supp. Vol 1 pp 335 - 343

Haghighi v. Canada (Minister of Citizenship and Immigration). .... Supp. Vol 1 pp 344 - 346

(d) Official Notice..... No assigned readings

(e) Evidence and Cross-Examination

Cross-examination..... Mullins, Irwin, pp. 287-290

(f) Duty to Give Reasons

Cross-examination..... Mullins, Irwin, pp. 306-319

Liang v. Canada (Minister of Citizenship & Immigration). .... Supp. Vol 1 pp 347 - 353

Gray v. Ontario (DSP). .... Supp. Vol 1 pp 354 - 363

R. v. Sheppard. .... Supp. Vol 1 pp 364 – 366


**Note there is no class on Thursday October 13<sup>th</sup> (Yom Kippur)**

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MAKE-UP CLASS TO BE HELD ON FRIDAY, OCTOBER 14TH

TO BE CONTINUED – SEE VOLUME II





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